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SDMS DocID 559301

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March 6, 1990

SENT VIA FAX AND MAIL

U.S. Environmental Protection Agency
Mr. Steven J. Calder
Waste Management Division
JFK Federal Building, HSN-CAN5
Boston, Massachusetts 02203

Superfund Records Center
SITE: Coakley
BREAK: 11.9
OTHER: 559301

RE: Response of Coakley Landfill, Inc., and Ronald Coakley
to Notice of Potential Liability at Coakley Landfill

Dear Mr. Calder:

This firm represents Coakley Landfill, Inc., and its President, Ronald Coakley, in connection with this matter. I am writing on behalf of my clients in response to Mr. Hohman's Notice letter of February 2, 1990 (received February 8, 1990).

Without prejudice to my clients' defenses, Coakley Landfill, Inc. and Mr. Coakley certainly stand ready to cooperate and assist, as they have all along, in all reasonable and necessary response efforts at the Site. My clients are also continuing in their litigation efforts to secure the financial assistance of their insurance carriers toward this goal.

Coakley Landfill, Inc. and Mr. Coakley join in EPA's encouragement of good faith negotiations involving all "potentially responsible parties." My clients, nevertheless, must echo the City of Portsmouth's recent suggestions (see Attorney Kinder's letters of February 23, and March 1, 1990 to EPA Attorney Timothy Williamson) that the initially identified "PRP Group" seemingly lacks several significant Section 107 parties.

The delay in issuance of the Site's Feasibility Study makes it difficult to respond to the Notice Letter in specificity. Certainly my clients wish to cooperate and work with the development of a PRP Group in the hope of achieving a voluntary response to the Site. As you know, however, Coakley Landfill, Inc. is no longer actively in business. Its assets are few.

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Mr. Coakley's personal assets are, we are sure, insufficient to fund a response action absent significant contribution from others. Hopefully the pursued insurance coverage will assist.

Despite financial difficulty, my clients wish to participate in any attempted negotiation of their and other PRP's liabilities, if any, in connection with the Site.

The Notice Letter also includes a supplemental request for information. Question (1) asks my clients to describe any knowledge they have of the disposal of industrial waste or liquid waste at the Site by any entity, including the clients, "after or before regular business hours." My clients previously supplied the EPA with all information and knowledge they then had regarding this inquiry. They still have no knowledge of anyone disposing of industrial waste or liquid waste at the Site after or before regular business hours. For the majority of years of operation, the City of Portsmouth gatemen had the key to open and lock the Site's gate. They, therefore, may have further information in this regard. If so, however, they have not shared it with my clients.

Secondly, the information requests asks for a description of disposal activity of Keefe Environmental Services at the Site from 1972 to 1985, and of any "business relationship" between the Site and KES, Inc. My clients have no knowledge, and indeed deny, any business relationship between the corporation and KES, Inc. Paul Keefe did have a relationship with Keefe Trucking (originally his father's company), which did some hauling of rubbish to the landfill.

My clients recall only two matters relating to Paul Keefe that might in any fashion be related to the EPA inquiry. On one occasion, Bob Judkins, a Lanfill, Inc. employee, telephoned the office to report that "Keefe Trucking" had just dropped off two empty barrels that smelled bad. Mr. Coakley, upon learning of this, instructed Mr. Judkins to move the two barrels to the side. Assuming that the barrels were intended for delivery at KES, Inc., he then telephoned the offices of KES and demanded that the barrels be immediately recovered. To his knowledge they were.

The only other matter involving Paul Keefe relates to Mr. Keefe's having briefly (a month or so) rented a space for a storage trailer, not at the site, but at the Coakley family's gravel pit near Interstate 95 (a long way from the Site).

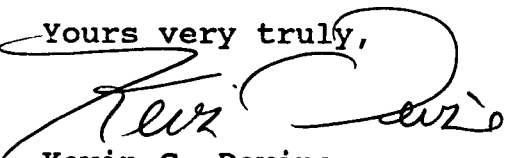
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(3)

My clients believe that this had something to do with services Mr. Keefe was performing for the U.S. Navy at the Portsmouth Navy Yard. This brief rental of a parking space involved no delivery, storage, or disposal of industrial wastes or liquid wastes at the Site. Perhaps the Navy and Mr. Keefe would have further knowledge of the specifics.

Please direct all further inquiries or contacts regarding this matter to my attention, at the address shown above.

Yours very truly,



Kevin C. Devine

KCD/wip
cc. Coakley Landfill Inc.